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## Special Exception

**SE-4686**

## Departure from Sign Design Standard

**DSDS-669**

## Departure from Parking & Loading Standards

**DPLS-361**

## Departure from Design Standards

**DDS-611**

## Alternative Compliance

**AC-11028**

Application	General Data	
<b>Project Name:</b> McDonalds – University Boulevard  <b>Location:</b> North side of University Boulevard, approximately 375 feet west of 24 <sup>th</sup> Avenue and approximately 2,265 feet east of Riggs Road.  <b>Applicant/Address:</b> McDonalds Corporation 6903 Rockledge Avenue, Suite 100 Bethesda, MD 20817  <b>Property Owner:</b> McDonalds Corporation & Golden Arch Realty Corporation P.O. Box 66321 Chicago, IL 60666	Planning Board Hearing Date:	04/12/12
	Staff Report Date:	03/29/12
	Date Accepted:	07/25/11
	Planning Board Action Limit:	N/A
	Plan Acreage:	1.078 acres
	Zone:	C-S-C
	Gross Floor Area:	4,372 sq. ft.
	Lots:	N/A
	Parcels:	1
	Planning Area:	65
	Tier:	Developed
	Council District:	02
	Election District	17
	Municipality:	N/A
	200-Scale Base Map:	209NE02

Purpose of Application	Notice Dates	
Special Exception for expansion of a nonconforming fast-food restaurant with associated Departures and Alternative Compliance to the 2010 <i>Prince George's County Landscape Manual</i> .	Informational Mailing	03/18/11
	Acceptance Mailing:	03/28/11
	Sign Posting Deadline:	03/13/12

<b>Staff Recommendation</b>		<b>Staff Reviewer:</b> Tom Lockard <b>Phone Number:</b> 301-952-3410 <b>E-mail:</b> Thomas.Lockard@ppd.mncppc.org	
<b>APPROVAL</b>	<b>APPROVAL WITH CONDITIONS</b>	<b>DISAPPROVAL</b>	<b>DISCUSSION</b>
<b>X</b>	<b>X</b>		

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

**TECHNICAL STAFF REPORT:**

TO: The Prince George's County Planning Board

VIA: Jimi Jones, Zoning Supervisor

FROM: Tom Lockard, Planner Coordinator, Zoning Section, Development Review Division

SUBJECT: **Special Exception Application No. SE-4686**  
**Departure from Sign Design Standards Application No. DSDS-669**  
**Departure from Parking and Loading Standards Application No. DPLS-361**  
**Departure from Design Standards Application No. DDS-611**  
**Alternative Compliance Application No. AC-11028**

REQUEST: **Special Exception for expansion of a nonconforming fast-food restaurant with associated Departures and Alternative Compliance to the Landscape Manual.**

RECOMMENDATION: **SE-4686: APPROVAL, With Conditions**  
**DSDS-669: APPROVAL**  
**DPLS-361: APPROVAL**  
**DDS-611: APPROVAL**  
**AC-11028: APPROVAL**

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NOTE:

The Planning Board has scheduled this application for a public hearing on the agenda date of April 12, 2012. The Planning Board also encourages all interested persons to request to become a person of record for this application.

Requests to become a person of record should be made in writing and addressed to The Maryland-National Capital Park and Planning Commission, Development Review Division, 14741 Governor Oden Bowie Drive, Upper Marlboro, MD 20772. Please call 301-952-3530 for additional information.

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- A. **Location and Field Inspection:** The subject property is an irregularly shaped lot located on the north side of University Boulevard, 375 feet west of 24th Avenue. The site, also known as 2306 University Boulevard, is improved with a one-story, brick, fast-food restaurant with a drive-through window and an asphalt parking lot. Access to the site is gained from University Boulevard via two driveways. The applicant is proposing to close the westernmost driveway leaving a single point of access at the location of the existing entrance drive.

B. **Development Data Summary:**

	EXISTING	PROPOSED
Zone(s)	C-S-C	C-S-C
Use(s)	Fast-food Restaurant	Fast-food Restaurant
Gross Floor Area (GFA)	4,000 sq. ft.	4,372 sq. ft.
Acreage	1.07	1.07
Parcels	2	2

- C. **History:** The subject site was placed in the C-S-C Zone upon adoption of the 1989 & 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment (SMA) for Planning Areas 65, 66 and 67*. In 1984, the use was certified nonconforming due to changes in the Zoning Ordinance and Special Exception SE-3527 was approved for an expansion of the existing building. The District Council approved Special Exception SE-4096 in 1993 to add a soft playland and the Planning Board approved Departure from Parking and Loading Standards DPLS-158 to waive five of the 80 required parking spaces. In 1997, the District Council approved a third Special Exception (SE-4201) which enclosed the playland and waived the additional resulting parking through Departure from Parking and Loading Standards DPLS-206. The playground enclosure was ultimately never built.
- D. **Master Plan Recommendation:** This application conforms to the land use recommendations of the 1989 & 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment (SMA) for Planning Areas 65, 66 and 67* or retail commercial land uses. The 2002 *Prince George's County Approved General Plan* placed the property in the Developed Tier. The vision for the Developing Tier is a network of sustainable transit supporting, mixed-use, pedestrian oriented, medium- to high-density neighborhoods.
- E. **Request:** The applicant is proposing to raze and rebuild the McDonalds fast-food restaurant that has existed at this location since 1960. The resulting restaurant would be slightly larger and incorporate new architectural features and materials. The applicant is also requesting a departure of 18 parking spaces, since some of the existing parking on the site would be taken by a proposed dual drive through. In order to retain the existing freestanding sign along University Boulevard, the applicant must obtain a departure from sign design standards. Two additional departures are necessary: One for a substandard landscape yard and for a slight decrease in the width of a driveway to serve a loading space. The applicant is further requesting alternative compliance from Section 4.7 (Buffering Incompatible Uses) of the 2010 *Prince George's County Landscape Manual*.

- F. **Neighborhood and Surrounding Uses:** The appropriate neighborhood to be considered in this case is bounded on the northwest by a PEPCO (Potomac Electric Power Company) transmission line, on the east by the Northwest Branch and on the south by University Boulevard. This neighborhood includes a mixture of commercial and residential uses. Commercial development dominates the University Boulevard frontage. Medium density, single-family attached houses characterize the interior of the neighborhood. This is the neighborhood which was adopted in Special Exceptions SE-3527, SE-4096 and SE-4201.

The property is surrounded by the following uses:

- North—** A shopping center in the C-S-C Zone and a Pepco power line in the O-S Zone.
- East—** A shopping center in the C-S-C Zone.
- South—** Across University Boulevard is a gas station, convenience store and Laundromat in the C-S-C Zone.
- West—** A gas station in the C-S-C Zone.

G. **Specific Special Exception Requirements**

**Section 27-242 Alteration, extension or enlargement** requires that certified nonconforming uses may be expanded via a special exception. The use was certified nonconforming in 1984 per Permit No. 50520-84U.

**Section 27-384 Nonconforming buildings, structures, and uses; alteration, enlargement, extension, or reconstruction** sets forth the specific special exception findings:

- (a) **The alteration, enlargement, extension, or reconstruction of any nonconforming building or structure, or certified nonconforming use (except those certified nonconforming uses not involving buildings, those within the Chesapeake Bay Critical Area Overlay Zones as specified in paragraph 7, below, unless otherwise provided, and except for outdoor advertising signs), may be permitted subject to the following:**

**Comment:** Since the subject property is not located in the Chesapeake Bay Critical Area Overlay Zone, the following sub-sections apply:

- (3) **A certified nonconforming use may be reconstructed, provided that:**
- (A) **The lot on which it is reconstructed is as it existed as a single lot under single ownership at the time the use became nonconforming;**

**Comment:** As mentioned above, the existing McDonald's restaurant on the subject property has been in operation since 1960. The existing use became nonconforming in 1984 when the Zoning Ordinance was amended. The lot is as it existed under single ownership at the time the use became nonconforming.

- (B) **Either the nonconforming use is in continuous existence from the time the Special Exception application has been filed through final**

**action on the application, or the building was destroyed by fire or other calamity more than one (1) calendar year prior to the filing date;**

**Comment:** The existing McDonald's restaurant is still in operation.

- (C) The requirements of Part 11 are met with respect to the entire use; and**

**Comment:** With the approval of the departure and the imposition of the recommended site plan revisions, the use and site plan will adhere to the Ordinance's parking regulations (Part 11).

- (D) The Special Exception shall terminate unless a building permit for the reconstruction is issued within one (1) calendar year from the date of Special Exception approval, construction in accordance with the building permit begins within six (6) months from the date of permit issuance (or lawful extension), and the construction proceeds to completion in a timely manner.**

**Comment:** The applicant intends to comply with this provision.

- (5) Any new, or any addition to, or alteration or relocation of an existing building or other improvement (which is either nonconforming or utilized in connection with a certified nonconforming use), shall conform to the building line, setback, yard, and height regulations of the zone in which the certified nonconforming use is located. The District Council may further restrict the location and bulk of the building or structure where the evidence so warrants. If the use is presently permitted by Special Exception in the zone, the new building, improvement, or addition shall conform to all of the physical requirements of the specific Special Exception use.**

**Comment:** The site plan complies with the regulations of the commercial zone and the applicant is not requesting any variances or departures.

- (6) The District Council may grant this Special Exception for property within a one hundred (100) year floodplain only after it has determined that the proposed enlargement, extension, reconstruction, or alteration will:**

- (A) Not require additional filling in the floodplain;**
- (B) Not result in an increase in elevation of the one hundred (100) year flood; and**
- (C) Conform with all other applicable requirements of this Subtitle and of Division 2 of Subtitle 4, "Building," of this Code, entitled "Construction or Changes in Floodplain Areas."**

**Comment:** Since the subject property is not located within a one hundred (100) year floodplain, this sub-section does not apply.

- (7) In a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted where the existing impervious surface coverage exceeds that allowed by Section 27-548.17, and which would result in a net increase in the existing impervious surface coverage. In addition, a Special Exception shall not be granted which would result in converting a property which currently meets the impervious surface coverage requirements of Section 27-548.17 to a nonconforming status regarding impervious surface coverage, except if a finding of extenuating circumstances is made, such as the necessity to comply with other laws and regulations.

**Comment:** Since the subject property is not located within a one hundred (100) year floodplain or Chesapeake Bay Critical Area, this sub-section does not apply.

- (b) Applications for this Special Exception shall be accompanied by a copy of the Use and Occupancy Permit for the certified nonconforming use, as provided for in Section 27-241(b).

**Comment:** A copy of the existing Use and Occupancy permit is included in the application package.

- H. **Landscape Manual Requirements and Alternative Compliance Request:** The site is subject to the 2010 *Prince George's County Landscape Manual*, Sections 4.2, 4.3, 4.4, 4.7, and 4.9. The applicant has filed for Alternative Compliance from Section 4.7, Buffering Incompatible Uses, along portions of the western, northern, and eastern property lines to allow the location of a proposed dumpster with screen wall and surface parking within a portion of the required bufferyard.

REQUIRED: 4.7 Buffering Incompatible Uses, along the northwestern property line adjacent to a Potomac Electric Power Company (PEPCO) right-of-way.

Length of bufferyard	50 feet
Building setback	40 feet
Landscape yard	30 feet
Fence or wall (for 30 linear feet)	Yes
Plant units (120 per 100 l.f.)	42

PROVIDED: 4.7 Buffering Incompatible Uses, along the northwestern property line adjacent to a Potomac Electric Power Company (PEPCO) right-of-way.

Length of bufferyard	50 feet
Building setback (to 8-foot tall dumpster screen wall)	12 feet
Landscape yard	12–30
Fence or wall (for 30 linear feet)	Yes
Plant units (80 per 100 l.f.)	59

**REQUIRED: 4.7 Buffering Incompatible Uses, along the northern and eastern property lines adjacent to Adelphi Plaza shopping center.**

Length of bufferyard	406 feet
Building setback	30 feet
Landscape yard	20 feet
Fence or wall	No
Plant units (80 per 100 l.f.)	326

**Provided: 4.7 Buffering Incompatible Uses, along the northern and eastern property lines adjacent to Adelphi Plaza shopping center.**

Length of bufferyard	406 feet
Building setback	50 feet
Landscape yard	5–20 feet
Fence or wall	No
Plant units (80 per 100 l.f.)	164

**Justification of Recommendation:**

Alternative Compliance is requested from Section 4.7, Buffering Incompatible Uses, of the 2010 *Prince George's County Landscape Manual* to reduce the size of the buffer required along the northwestern property line abutting a PEPCO right-of-way and to reduce the size of the landscape buffer and plant materials required along the northern and eastern property lines.

Section 4.7 of the *Prince George's County Landscape Manual* categorizes a “drive-in” or fast-food restaurant as a high-impact use. Along the northwestern property line, the subject property abuts a PEPCO right-of-way with overhead power lines, which is categorized as a low-impact use in the Landscape Manual. A “Type C” buffer, inclusive of a 40-foot building setback and a 30-foot-wide landscape yard, is required along this portion of the northwestern property line. In this area, the applicant proposes a dumpster with an eight-foot-high brick enclosure that is approximately 12 feet from the northwestern property line, which encroaches into the landscape yard. A mix of proposed evergreen and shade trees, one existing tree, and shrubs is provided to mitigate the encroachment. The Alternative Compliance Committee believes the request is justified, as the setback of the proposed McDonald's building is over 135 feet from the northwestern property line, which demonstrates substantial conformance with the Section 4.7 building setback requirement. Additionally, the Alternative Compliance Committee believes that the dumpster enclosure will serve as a wall to mitigate any incompatibility between the subject development and the adjacent public utility. With the mix of proposed plant materials and the proposed brick screen wall, the Alternative Compliance Committee finds the proposal to be an equally effective alternative to the normal requirements of the *Prince George's County Landscape Manual* along the northwestern property line.

Alternative Compliance is also requested from Section 4.7, Buffering Incompatible Uses, along the northern and eastern property lines where the property abuts Adelphi Plaza, a commercial shopping center with less than 60,000 square feet of development. In this area, a “Type B” bufferyard inclusive of a 30-foot building setback and a 20-foot-wide landscape yard is required. The applicant proposes a minimum 60-foot building setback and an average five-foot-wide

landscape strip between the parking lot and property line, which does not meet the minimum requirements of Section 4.7. The Alternative Compliance Committee finds that the proposals for Section 4.7, Buffering Incompatible Uses, along the northern and eastern property lines are not equally effective compared to the normal requirements of the *Prince George's County Landscape Manual*.

The Alternative Compliance Committee and Planning Director recommend approval of Alternative Compliance for Section 4.7 along the northwestern property line. The Alternative Compliance Committee and Planning Director recommend denial of Alternative Compliance for Section 4.7 along the northern and eastern property lines, adjacent to the Adelphi Plaza shopping center, and recommends that the applicant pursue a Departure from Design Standards application pursuant to Section 1.3(f) of the 2010 *Prince George's County Landscape Manual*.

- I. **Sign Requirements: Section 27-614(a)(4)** of the Zoning Ordinance requires freestanding signs in all Commercial and Industrial Zones (except the I-3 Zone), to be located at least (10) feet behind the street line. The existing sign, which the applicant wishes to retain, is located 5 feet from the right-of-way.

J. **Departure from Sign Design Standards DSDS-669:**

**Section 27-239.01(b)(7)(A) Required Findings** of the Zoning Ordinance provides that in order for the Planning Board to grant the departure, it shall make the following findings:

- (i) **The purposes of this Subtitle will be equally well or better served by the applicant's proposal.**

**Comment:** In general, the purposes of the Sign Ordinance are to regulate unsightly and hazardous signs, to provide adequate identification and advertisement, to promote the general welfare of the residents of the county, and to foster the appropriate use of land, buildings and structures. Although the required ten-foot setback is not being met, the applicant's goal is to retain the existing sign, which is set back more than 14 feet from the existing edge of pavement. The sign location for the use becomes all the more important due to the realignment of the building and the applicant's proposed closing of the second driveway to University Boulevard. The height and area of the sign meets the requirements of the Code. Retention of the existing sign would provide necessary visibility for the use in an appropriate manner.

- (ii) **The departure is the minimum necessary, given the specific circumstances of the request.**

**Comment:** The applicant wishes to simply retain the long-existing sign. It has provided appropriate identification for McDonalds for many years at this location. When the sign was originally placed here, it met the setback requirement. It is because of the widening of the right-of-way for University Boulevard that it is now out of compliance. If permitted to stay, the five-foot departure is the minimum necessary.

- (iii) **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949.**



**Comment:** The freestanding sign has existed on this property for many years yet remains attractive and recognizable. It is in an older area of Prince George's County developed with old commercial uses. Through the years, McDonalds has made numerous improvements to the site, but now they have come to the conclusion that a complete modernization is in order to present a new image to their customers and improve the overall character of the commercial corridor. The sign is set back more than 14 feet from the existing edge of pavement, meeting the intent, if not the letter, of the requirement. Therefore, the departure is necessary in order to alleviate circumstances which are unique to the site and prevalent in older areas of the County.

**(iv) The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

**Comment:** A freestanding sign is necessary to further provide adequate identification for the use. A freestanding sign has existed on the site for many years, and the applicant is not proposing any changes.

The proposed sign will be compatible with other existing freestanding signs within the general area, and the overall design of the sign will be compatible with the commercial use of the property. The sign will not attract undue attention, but will provide for adequate identification and advertisement, and will be compatible with the overall streetscape. The site is surrounded by strip commercial uses along the three sides, and faces other commercial uses along the fourth. There are no nearby residential subdivisions that would be visually impacted by the freestanding sign. For the reasons stated above, the departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.

- K. **Departure from Parking and Loading Standards DPLS-361:** The plan correctly notes that 76 parking spaces and one loading space are required to serve this use. The site plan indicates that 53 spaces can be provided, a deficit of 23 spaces. The applicant has already received a departure of five spaces, necessitating an additional departure of 18 spaces. A departure from parking and loading standards is required to address this reduction in parking spaces provided. Section 27-588(b)(7)(A) of the Zoning Ordinance sets forth the following findings to grant a departure from parking and loading standards:

**Section 27-588(b)(7)(A) Required Findings**

- (i) **The purposes of this Part (Section 27-550) will be served by the applicant's request;**
  - (1) **To require (in connection with each building constructed and each new use established) off-street automobile parking lots and loading areas sufficient to serve the parking and loading needs of all persons associated with the buildings and uses;**

**Comment:** This proposal complies with this purpose. The applicant's proposal will provide adequate off-street parking and loading areas in order to serve the needs of McDonald's employees and customers. The applicant has operated a restaurant from this site since 1960 and has determined that a significant amount of its business is associated with the drive-through service. Thus, the applicant is proposing to install a dual drive through. The applicant believes that the addition

of the dual drive-through and modifications to the existing parking area will address the parking needs of its employees and will not have any adverse impacts on the community. In addition, staff has reviewed 17 different aerial photos of this site from the years 1964 to 2011. They show an average of 18 parking spaces being occupied, with a maximum parking utilization of 28 spaces. Two staff visits to the site, on a weekday afternoon and a weekend evening, showed parking counts of 20 and 11 cars, respectively.

**(2) To aid in relieving traffic congestion on streets by reducing the use of public streets for parking and loading and reducing the number of access points;**

**Comment:** This proposal complies with this purpose because the applicant will provide a dual drive-through window. The applicant anticipates the majority of its customers to use the dual drive-through window, which decreases the likelihood that customers will need to use public streets for parking. In addition, the applicant is proposing to reduce the number of access points from two down to one

**(3) To protect the residential character of residential areas; and**

**Comment:** Although this site adjoins property located in a residential zone, that property is developed with a PEPCO transmission line.

**(4) To provide parking and loading areas which are convenient and increase the amenities in the Regional District;**

**Comment:** This proposal complies with this purpose. There will be ample parking for restaurant patrons. There will also be landscaping and loading areas on-site. The parking is conveniently located whereas the customers will not have a far walk to the front door entrance to the restaurant. This proposal will be amenities in the regional district since it will be part of a project which will replace an older restaurant with dated architecture with a modern facility.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

**Comment:** This proposal complies with this purpose. The departure is the minimum necessary considering this proposal calls for the redevelopment of the subject property. As stated above, this site has been developed since 1960. The site is compact and the applicant is proposing to redevelop the site with a more modern restaurant with a modern layout.

**(iii) The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location, or alleviate circumstances which are prevalent in older areas of the County which were predominantly developed prior to November 29, 1949;**

**Comment:** The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. As stated above, the applicant

is proposing to construct a new McDonald's and incorporate into that design, a dual drive-through and a modern layout that will not only create a safer environment for its customers, but a more attractive layout. The lack of space makes it difficult for the applicant to provide the required number of parking spaces and a dual drive-through. The dual drive-through component at this location will increase the likelihood of the restaurant's success. Furthermore, this site is located inside the beltway in an area of the County that was predominantly developed prior to 1949. This site is compact and a departure is necessary in order to redevelop this site utilizing current site design requirements.

- (iv) **All methods for calculating the number of spaces required (Division 2, Subdivision 3, and Division 3, Subdivision 3, of this Part) have either been used or found to be impractical; and**

**Comment:** All methods of calculating the number of spaces have been explored. There is no alternative but to obtain a departure.

- (v) **Parking and loading needs of adjacent residential areas will not be infringed upon if the departure is granted.**

**Comment:** The only residential property within the immediate vicinity of the site is developed with a PEPCO transmission line.

In addition, Section 27-588(b)(7)(B) of the Zoning Ordinance sets forth the following:

- (B) **In making its findings, the Planning Board shall give consideration to the following:**

- (i) **The parking and loading conditions within the general vicinity of the subject property, including numbers and locations of available on- and off-street spaces within five hundred (500) feet of the subject property;**

**Comment:** The adjacent retail and office commercial uses have sufficient parking. There is no on-street parking along University Boulevard.

- (ii) **The recommendations of an Area Master Plan, or County or local revitalization plan, regarding the subject property and its general vicinity;**

**Comment:** This application conforms to the land use recommendations of the 1989 & 1990 *Approved Master Plan for Langley Park-College Park-Greenbelt and Vicinity and Adopted Sectional Map Amendment (SMA) for Planning Areas 65, 66 and 67* or retail commercial land uses.

- (iii) **The recommendations of a municipality (within which the property lies) regarding the departure; and**

**Comment:** This site is not within a municipality.

- (iv) **Public parking facilities which are proposed in the County's Capital Improvement Program within the general vicinity of the property.**

**Comment:** No public parking facilities are proposed in the Prince George's County Capital Improvement Program within the general vicinity of the property.

- (C) **In making its findings, the Planning Board may give consideration to the following:**

- (i) **Public transportation available in the area;**

**Comment:** There is a Metro bus and County Bus route along University Boulevard. However, given the nature of this use, it is somewhat unlikely that a customer would take public transportation to this site.

- (ii) **Any alternative design solutions to off-street facilities which might yield additional spaces;**

**Comment:** The size and configuration of the site does not lend itself to an alternative design that would yield more parking opportunities. A total of 53 spaces are provided.

- (iii) **The specific nature of the use (including hours of operation if it is a business) and the nature and hours of operation of other (business) uses within five hundred (500) feet of the subject property;**

**Comment:** The subject fast-food restaurant use has longer hours of operation than its neighbors (except for the gas station), thereby affording the site extra parking spaces if needed. However, as stated previously, it would be rare if ever at all that all the on-site parking spaces would be used at one time.

- (iv) **In the R-30, R-30C, R-18, R-18C, R-10A, R-10 and R-H Zones, where development of multifamily dwellings is proposed, whether the applicant proposes and demonstrates that the percentage of dwelling units accessible to the physically handicapped and aged will be increased over the minimum number of units required by Subtitle 4 of the Prince George's County Code.**

**Comment:** The subject property is in the C-S-C Zone and multifamily dwellings are not proposed under this application. Consequently, the above section is not applicable to the subject property.

- L. **Departure from Design Standards DDS-611:** As indicated above, the Applicant applied for Alternative Compliance from the 2010 *Prince George's County Landscape Manual*. Specifically, the Applicant proposed alternative compliance for Section 4.7 (Buffering Incompatible Uses) with regard to the bufferyard required along the northern property line. This request was denied by the Planning Director. Upon denial of a request for Alternative Compliance, the Applicant may apply for a Departure from Design Standards in accordance with Section 27-239.01 of the Zoning Ordinance. The McDonalds restaurant is classified as a "High Impact" use and the shopping center, since it less than 60,000 square feet in size, is classified as a "Medium Impact"

use. The *Prince George's County Landscape Manual* requires a 30-foot building setback and 20-foot landscape yard. The applicant is providing landscape yard that varies in width, but at its narrowest section, is 5.6 feet in width. Thus a departure of 14.4 feet is required.

In addition, Section 27-581 of the Zoning Ordinance requires that loading spaces be connected to streets via a 22-foot-wide drive aisle. The applicant is proposing a 20-foot-wide drive aisle. Thus, a two-foot departure is requested.

Section 27-239.01(b)(7) sets forth the required findings for a departure from design standards as follows:

**(A) In order for the Planning Board to grant the departure, it shall make the following findings:**

**(i) The purposes of this Subtitle will be equally well or better served by the applicant's proposal;**

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The departure is the minimum necessary in this case. The subject property is only 1.078 acres in size. It is currently developed with a McDonald's restaurant and this application calls for the redevelopment of the property with a new McDonald's restaurant. As part of this proposal the applicant is also requesting departure from parking and loading standards. The site is too small to accommodate a modern restaurant and at the same time comply with the current standards regarding parking and landscaping. The applicant cannot comply with the Landscape Manual requirements and the design standards without further compromising the parking requirements.

The applicant is now proposing to completely replace the existing building with a modern facility that will not only allow it to present a new image to its customers, but improve the overall character of this commercial corridor. However, given the site limitations, it cannot fully comply with the Landscape Manual, design standards and parking requirements."

**Comment:** Staff concurs with the applicant's assertion that the purposes of Subtitle 27 will be equally well or better served by the applicant's proposal. The opportunity to improve the site commensurate with their ability to meet today's design criteria on a compact site will result in an improvement to the site and the corridor. Therefore, staff concurs with the applicant's assertion that the purposes of Subtitle 27 will be equally well or better served by the applicant's proposal.

**(ii) The departure is the minimum necessary, given the specific circumstances of the request;**

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"One of the inherent difficulties in developing a site in the older communities of

the County is to provide a use that meets the modern retail needs of the consumer and addresses current Zoning Ordinance requirements on small infill sites. It should be noted this request is due, in part, to the change in the Landscape Manual's classification of shopping center. All shopping centers were previously classified as "High Impact" uses and thus a buffer yard was not previously required for this property. With the adoption of the new Landscape Manual in 2010, shopping centers that are less than 60,000 square feet in size are classified as "Medium Impact" uses. Thus, a 4.7 buffer is required between the two uses. Unfortunately, the provision of such a buffer would inhibit the applicant's ability to design a site that meets the modern site design requirements as well as a site that meets the modern retail needs the consumer. In addition, the applicant is requesting a departure from parking and loading standards. In order to preserve on-site parking the applicant has chosen to provide 60 degree parking spaces. This, in turn, allows a one-way drive aisle. This drive aisle is 20 feet in width and more than exceeds the 18 foot requirement but does not comply with the 22-foot requirement for loading."

**Comment:** Staff concurs with the applicant's assertion that the request is the minimum necessary. The reduction is for one-half-foot in width and one-foot in length, which provides a parking space substantially larger than allowed compact spaces.

- (iii) **The departure is necessary in order to alleviate circumstances which are unique to the site or prevalent in areas of the County developed prior to November 29, 1949;**

**Comment:** The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. As stated above, the applicant is proposing to construct a new McDonald's and incorporate into that design, a dual drive-through and a modern layout that will not only create a safer environment for its customers, but a more attractive layout. The lack of space makes it difficult for the applicant to provide the required number of parking spaces and a dual drive-through. The dual drive-through component at this location will increase the likelihood of the restaurants success. Furthermore, this site is located inside the beltway in an area of the County that was predominantly developed prior to 1949. This site is compact and a departure is necessary in order to redevelop this site utilizing current site design requirements.

- (iv) **The departure will not impair the visual, functional, or environmental quality or integrity of the site or of the surrounding neighborhood.**

**Applicant's Justification:** The applicant provided the following summarized justification in response to this requirement:

"The departure is necessary in order to alleviate circumstances which are special to the subject use, given its nature at this location. As stated above, the applicant is proposing to construct a new McDonald's and incorporate into that design, a dual drive-through and a modern layout that will not only create a safer environment for its customers, but a more attractive layout. The lack of space makes it difficult for the applicant to provide the required number of parking spaces and a dual drive-through. The dual drive-through component at this

location will increase the likelihood of the restaurants success. Furthermore, this site is located inside the beltway in an area of the County that was predominantly developed prior to 1949. This site is compact and a departure is necessary in order to redevelop this site utilizing current site design requirements.”

**Comment:** Staff agrees. The applicant’s proposal will allow for a vast improvement to the architecture, interior circulation, landscaping and access to the site without compromising the integrity of the neighborhood.

- M. **Referral Comments:** None of the referral replies received by staff had any objection to the application. The Transportation Planning Section agrees that the 53 spaces should be adequate to serve the use based on the studies of restaurants with a drive through, but would like the applicant to install a bike rack at the entrance. The Environmental Planning Section indicated that the site is exempt from the Woodland Conservation and Tree Preservation Ordinance requirements and that no environmental issues were identified. The Urban Design Section points out that the landscape plan submitted needs to be revised because it differs slightly from that recommended for approval in the Alternative Compliance application.
- N. **Zone Standards:** The site plan, with the approved request for alternative compliance and departures, along with recommended conditions, will be in conformance with all zoning requirements and regulations.
- O. **Required Findings:** Section 27-317(a) of the Zoning Ordinance provides that a special exception may be approved if:

**(1) The proposed use and site plan are in harmony with the purposes of this Subtitle;**

**Comment:** The purposes of Subtitle 27 are set forth in Section 102. They are varied, but can generally be summed up to be to protect the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the county. With the recommended site plan revisions and departure approval, all applicable Zoning Ordinance requirements and regulations will be satisfied. The conditions of approval will further ensure that the purposes of the Subtitle are met.

**(2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;**

**Comment:** The applicant has met all the applicable requirements and regulations of the Subtitle with the exception of compliance to the *Prince George’s County Landscape Manual* requirements and two parking standards. The applicant has requested, and staff has recommended approval of alternative compliance and necessary departures. With the recommended site plan revisions and departure approval, all applicable Zoning Ordinance requirements and regulations will be satisfied.

**(3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Map Plan, the General Plan;**

**Comment:** The nature and intensity of the use will not be changed, so the master plan’s commercial land use recommendation will not be impaired; nor the 50-year history of the use’s

compatibility at this location. Thus, the proposed use will not substantially impair the integrity of any validly approved master plan or functional master plan, or in the absence of a master plan or functional master plan, the General Plan.

**(4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;**

**Comment:** None of the responses from any referring agencies received by staff indicate that the proposed car wash, with the included conditions, will adversely affect the health, safety, or welfare of residents or workers in the area. By redesigning the interior traffic flow and reducing the access points from two to one, the applicant is improving the safety of the site significantly.

**(5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and**

**Comment:** In consideration of the referral responses and other findings, the proposal will not be detrimental to the use or development of adjacent properties or the general neighborhood. As indicated earlier, the applicant plans to raze the existing structure and redevelop the property with a modern restaurant, which will meet the needs and expectations of the community. The applicant intends to maintain the landscaping previously approved for the site, which has been determined to properly screen/buffer this use from the adjacent commercially zoned properties. The applicant's proposal does not contemplate the assemblage of more property. Conversely, the applicant intends to redevelop the same area of the property that is currently developed. This will ensure that the proposed development will not be detrimental to the adjacent properties.

**(6) The proposed site plan is in conformance with an approved Tree Conservation Plan.**

**Comment:** This property is exempt from the provisions of the Woodland Conservation and Tree Preservation Ordinance because the site contains less than 10,000 square feet of woodland. A letter of exemption dated May 4, 2010, was submitted.

**(7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.**

**Comment:** There are no regulated environmental features on the site.

## **CONCLUSION**

Based on the preceding analysis and findings, staff recommends that Special Exception Application No. SE-4686, subject to the following conditions:

1. The special exception landscape plan should be updated to reflect what was reviewed and recommended for approval by the Alternative Compliance Committee and the Planning Director.
2. The loading space shall be shifted farther to the east, out of the drive-through lane.



3. The applicant shall install bicycle parking adjacent to the main entrance to the building. Bicycle parking shall be provided with u-shaped racks on a concrete pad.

Staff further recommends APPROVAL of Departure from Parking and Loading Standards DPLS-361.

Staff further recommends APPROVAL of Departure from Sign Design Standards DSDS-669.

Staff further recommends APPROVAL of Departure from Design Standards DDS-611.

Staff further recommends APPROVAL of Alternative Compliance AC-11028.